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**SUBSTITUTE HOUSE BILL 1065**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson)

READ FIRST TIME 02/28/03.

1       AN ACT Relating to apprenticeship utilization requirements on  
2 public works projects; and adding new sections to chapter 39.04 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       NEW SECTION. **Sec. 1.** A well-trained construction trades work  
5 force is critical to the ability of the state of Washington to  
6 construct public works. Studies of the state's work force highlight  
7 population trends that, without a concerted effort to offset them, will  
8 lead to an inadequate supply of skilled workers in the construction  
9 industry. State government regularly constructs public works. The  
10 efficient and economical construction of public works projects will be  
11 harmed if there is not an ample supply of trained construction workers.  
12 Apprenticeship training programs are particularly effective in  
13 providing training and experience to individuals seeking to enter or  
14 advance in the work force. By providing for apprenticeship utilization  
15 on public works projects, state government can create opportunities for  
16 training and experience that will help assure that a trained work force  
17 will be available in sufficient numbers in the future for the  
18 construction of public works.

1        NEW SECTION.    **Sec. 2.** The definitions in this section apply  
2 throughout sections 1 through 3 of this act unless the context clearly  
3 requires otherwise.

4        (1) "Apprentice" means an apprentice enrolled in a state-approved  
5 apprenticeship training program.

6        (2) "Apprentice utilization requirement" means the requirement that  
7 the appropriate percentage of labor hours be performed by apprentices.

8        (3) "Labor hours" means the total hours of workers receiving an  
9 hourly wage who are directly employed on the site of the public works  
10 project. "Labor hours" includes hours performed by workers employed by  
11 the contractor and all subcontractors working on the project. "Labor  
12 hours" does not include hours worked by foremen, superintendents,  
13 owners, and workers who are not subject to prevailing wage  
14 requirements.

15        (4) "State-approved apprenticeship training program" means an  
16 apprenticeship training program approved by the Washington state  
17 apprenticeship council.

18        NEW SECTION.    **Sec. 3.** (1) From July 1, 2003, through December 31,  
19 2003, for all public works estimated to cost two million dollars or  
20 more, all specifications shall require that no less than ten percent of  
21 the labor hours be performed by apprentices.

22        (2) From January 1, 2004, through December 31, 2004, for all public  
23 works estimated to cost two million dollars or more, all specifications  
24 shall require that no less than twelve percent of the labor hours be  
25 performed by apprentices.

26        (3) From January 1, 2005, and thereafter, for all public works  
27 estimated to cost one million dollars or more, all specifications shall  
28 require that no less than fifteen percent of the labor hours be  
29 performed by apprentices.

30        (4) Awarding agency directors shall adjust the requirements of this  
31 section for a specific project if a bidder asserts one or more of the  
32 following reasons:

33        (a) The demonstrated lack of availability of apprentices in  
34 specific geographic areas;

35        (b) A disproportionately high ratio of material costs to labor  
36 hours, which does not make feasible the required minimum levels of  
37 apprentice participation;

1 (c) Participating contractors have demonstrated a good faith effort  
2 to comply with the requirements of this act; or

3 (d) Other criteria the awarding agency director deems appropriate.

4 (5) If the awarding agency director disputes the validity of the  
5 asserted reason for adjusting the requirements of this section for a  
6 specific project, the awarding agency director has the burden of  
7 establishing that the asserted reason was not valid.

8 (6) A contractor must make reasonable efforts to apply the  
9 apprentice utilization percentage requirements listed in subsections  
10 (1) through (3) of this section so that the appropriate percentage of  
11 labor hours in each separate craft or trade is performed by apprentices  
12 in that craft or trade.

13 (7) This section applies only to public works contracts awarded by  
14 the state and the institutions of higher education as defined in RCW  
15 28B.10.016. However, this section does not apply to contracts awarded  
16 by state agencies headed by a separately elected public official and  
17 the department of transportation.

18 (8)(a) The department of general administration must provide  
19 information and technical assistance to affected agencies and collect  
20 the following data from affected agencies for each project covered by  
21 this section:

22 (i) The number of apprentices and labor hours worked by them,  
23 categorized by trade or craft;

24 (ii) The number of journey level workers and labor hours worked by  
25 them, categorized by trade or craft; and

26 (iii) The number, type, and rationale for the exceptions granted  
27 under subsection (4) of this section.

28 (b) By January 1, 2004, and each year thereafter, the department of  
29 general administration shall compile and summarize the agency data and  
30 provide reports to the senate commerce and trade committee, the house  
31 of representatives commerce and labor committee, or their successor  
32 committees, and the governor. The report shall include recommendations  
33 on modifications or improvements to the apprentice utilization program.

34 (9) By January 1, 2004, and each year thereafter, the department of  
35 labor and industries must report to the senate commerce and trade  
36 committee, the house of representatives commerce and labor committee,  
37 or their successor committees, and the governor on skill shortages in  
38 each trade or craft.

1        NEW SECTION.   **Sec. 4.**   Sections 1 through 3 of this act are each  
2   added to chapter 39.04 RCW.

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